

## UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America )

v. )

Michael Smith )

Case No: 03-80922-3

USM No: 32039-039

Date of Previous Judgment: April 8, 2004 )

Todd R. Perkins

(Use Date of Last Amended Judgment if Applicable) )

Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 78 months **is reduced to** 63 months.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)Previous Offense Level: 27Amended Offense Level: 25Criminal History Category: IICriminal History Category: IIPrevious Guideline Range: 78 to 97 monthsAmended Guideline Range: 63 to 78 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated April 8, 2004 shall remain in effect.

**IT IS SO ORDERED.**Order Date: September 30, 2008s/John Corbett O'Meara

Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

John Corbett O'Meara, U.S. District Judge  
Printed name and title